

AUG 25 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE SILVEYRA,

Defendant - Appellant.

No. 05-50551

D.C. No. CR-03-00460-RSWL-2

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Ronald S.W. Lew, District Judge, Presiding

Submitted August 21, 2006**

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

Jorge Silveyra appeals from the 262-month sentence imposed after his guilty-plea conviction for one count of conspiring to possess with intent to distribute cocaine and cocaine base, in violation of 21 U.S.C. § 846(a)(1). We

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction under 28 U.S.C. § 1291, and affirm.

Silveyra's contention that the government breached the plea agreement by recommending a 3-level upward adjustment for his role in the offense pursuant to U.S.S.G. § 3B1.1 has no merit. The plea agreement unambiguously states that the government reserved its right to argue for such an adjustment. *See United States v. Ajugwo*, 82 F.3d 925, 928 (9th Cir. 1996).

AFFIRMED.